

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Billy Lee Lisenby, Jr.,

Petitioner,

V.

Warden Levern Cohen,

Respondent.

C/A No. 5:16-cv-02704-DCN-KDW

ORDER

Petitioner, Billy Lee Lisenby, Jr., is a state prisoner who filed this pro se Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 2, 2016, Respondent filed a Return and Motion for Summary Judgment. ECF Nos. 17, 18. Because Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 19. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order Petitioner has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's Motion for Summary Judgment by **January 27, 2017**. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

December 28, 2016
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style with a large initial 'K' and a distinct 'D'.

Kaymani D. West
United States Magistrate Judge